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# HOUSE BILL No. 1315

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-17; IC 9-18-1-1; IC 9-22-3-0.5; IC 9-23-0.5; IC 14-16-1-9.5.

**Synopsis:** Certificates of title for off-road vehicles. Requires a person to obtain a certificate of title from the bureau of motor vehicles for an off-road vehicle that the person purchases after June 30, 2005. Requires a person who becomes an Indiana resident after June 30, 2005, to obtain a certificate of title from the bureau for an off-road vehicle: (1) that the person owns; and (2) for which a certificate of title was issued by another state.

**Effective:** July 1, 2005.

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January 13, 2005, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1315

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-42 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 42. (a) "Dealer" means,  
3 except as otherwise provided in this section, a person who sells to the  
4 general public, including a person who sells directly by the Internet or  
5 other computer network, at least twelve (12) vehicles each year for  
6 delivery in Indiana. A dealer must have an established place of  
7 business that meets the minimum standards prescribed by the bureau  
8 under rules adopted under IC 4-22-2.  
9 (b) The term does not include the following:  
10 (1) A receiver, trustee, or other person appointed by or acting  
11 under the judgment or order of a court.  
12 (2) A public officer while performing official duties.  
13 (3) A person who is a dealer solely because of activities as a  
14 transfer dealer.  
15 (4) **A person who sells off-road vehicles.**  
16 (c) "Dealer", for purposes of IC 9-31, means a person that sells to  
17 the general public for delivery in Indiana at least six (6) boats per year.

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SECTION 2. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 117.3. "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.**

SECTION 3. IC 9-13-2-123 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 123. (a) "Passenger motor vehicle" means, except as provided in subsection (b), a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, ~~a bus, or a school bus,~~ **or an off-road vehicle.**

(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.

SECTION 4. IC 9-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**

**(2) are off-road vehicles for which a certificate of title was issued by another state;**

and ~~(2) that~~ will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 5. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. A person who purchases an off-road vehicle after June 30, 2005, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 6. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

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(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or (3) other information that the bureau requires, if the other state does not have a certificate of title or registration law that pertains to the vehicle.**

SECTION 7. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

~~(a)~~ **(b)** A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ **(c)** A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ **(d)** The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 8. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. **(a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

**(b)** A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

SECTION 9. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. **A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.**

SECTION 10. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. **This chapter does not apply to an off-road vehicle.**

SECTION 11. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This article does not apply to the following:

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- (1) Farm wagons.
- (2) Farm tractors.
- (3) Farm machinery.
- (4) A new motor vehicle, if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:
  - (A) the new motor vehicle was being transported on a railroad car or semitrailer; and
  - (B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

**(5) Off-road vehicles.**

SECTION 12. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. For purposes of this chapter, "motor vehicle" does not include an off-road vehicle.**

SECTION 13. IC 9-23-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 0.5. Application**

**Sec. 1. For purposes of this article, "motor vehicle" or "vehicle" does not include an off-road vehicle.**

SECTION 14. IC 14-16-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. Registration under this chapter does not relieve an owner of an off-road vehicle from any requirement to obtain a certificate of title for the off-road vehicle under IC 9-17-2.**

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